

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

BKY 09-33020

JetChoice II, LLC,

Chapter 7

Debtor.

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Nauni Jo Manty, in her capacity as Trustee for  
JetChoice II, LLC,

ADV 11-\_\_\_\_\_

Plaintiff,

**COMPLAINT**

vs.

John C. Fallin,

Defendant.

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Plaintiff, Nauni Jo Manty, in her capacity as the court-appointed chapter 7 Trustee for the bankruptcy estate of JetChoice II, LLC (the “Trustee”), for her complaint against defendant John C. Fallin states and alleges as follows:

**PARTIES**

1. Defendant John C. Fallin is an individual who, upon information and belief, resides in at 1300 McKnight Road North, Maplewood, Minnesota 55119.

**PROCEDURAL BACKGROUND**

2. On May 1, 2009, the debtor filed a voluntary petition for relief under chapter 7 of title 11 of the bankruptcy code.

3. On May 4, 2009, this court appointed the Trustee.

## **JURISDICTION AND VENUE**

4. This court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 157 and 1334 and local rule of bankruptcy procedure 1070-1. The claims asserted herein arise under the bankruptcy code and are related to cases pending before this court pursuant to the bankruptcy code.

5. This adversary proceeding is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(A), (B), (E) and (O).

6. Venue in this court is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

## **FACTUAL BACKGROUND**

7. JetChoice II was a certified air carrier authorized to provide air transportation for its members.

8. JetChoice II members executed a Membership Purchase Agreement and Member Control Agreement whereby they purchased membership units in JetChoice II for the purpose of obtaining access to and use of air transportation on jet aircraft owned or leased by the debtor and other services incident to such access and use.

9. On or about April 14, 2008, Defendant executed that certain Membership Purchase Agreement, pursuant to which he purchased certain Falcon 10 – 20% Down Financing Share units in the following amounts according to the payment terms set forth and described in the Membership Purchase Agreement and the exhibits thereto:

<b>Annual Hours</b>	<b>Membership Contribution</b>	<b>Monthly Service Fee</b>	<b>Monthly Financing Fee</b>	<b>Hourly Rate</b>
50	\$37,500	\$6,750	\$938	\$1,799

A true and correct copy of the Membership Purchase Agreement is attached hereto and incorporated herein as Exhibit A.

10. Pursuant to the terms of the Membership Purchase Agreement, Defendant owes JetChoice II \$5,431 for unpaid monthly service fees and user fees incurred by Defendant before the petition date.

11. The monies due and owing JetChoice II, by Defendant are property of the estate pursuant to 11 U.S.C. § 541.

12. The monies should be turned over to the trustee pursuant to 11 U.S.C. § 542 which requires an entity in possession of property of the estate to deliver such property to the trustee or account for such property or the value of the property.

13. As a result of the foregoing, pursuant to section 542 of the bankruptcy code, the Trustee is entitled to the immediate payment and turnover from Defendant of \$5,431, which constitutes the amount due and payable from Defendant under the Membership Purchase Agreement.

**WHEREFORE**, the Trustee respectfully requests that the court order:

1. That Defendant John C. Fallin turnover \$5,431 to the estate; and
2. Such other and further relief as the court may deem just and equitable.

MANTY & ASSOCIATES, P.A.

Dated: April 29, 2011

By /s/ Michelle Kreidler Dove  
Nauni Manty (#230352)  
Timothy J. Pramas (#240321)  
Michelle K. Dove (#33232X)

Attorneys for Plaintiff Nauni Jo Manty, Trustee for  
the Estate of JetChoice II, LLC  
510 First Avenue North #305  
Minneapolis, Minnesota 55403  
(612) 340-7950

**VERIFICATION**

I, Nauni Manty, Trustee for the estate of JetChoice II, LLC, declare under penalty of perjury that the facts contained in the foregoing Complaint are true and correct to the best of my knowledge, information and belief.

Dated this 29th day of April, 2011.

/e/ Nauni Manty

Nauni Manty